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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
ASTLES, et al.

Examiner: CHANG, CELIA

Application No.: 09/843,126

Art Unit: 1625

Filed: 26 April 2001

Title: CHEMICAL COMPOUNDS

TELEFAX CERTIFICATE

I hereby certify that this correspondence is being
transmitted via facsimile to the Commissioner for
Patents, Alexandria, VA 22313, on 703-672-9306

September 22, 2004
Date of Transmission

Rae M. Yip
Signature

TERMINAL DISCLAIMER AND STATEMENT OF COMMON OWNERSHIP

Mail Stop
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.321(c), the following is submitted:

The petitioner, Aventis Pharmaceuticals Inc., with a place of business at 300 Somerset Corporate Boulevard, Bridgewater, NJ 08807-2854, in the county of Somerset and State of New Jersey represents that it is assignee of the whole and entire right, title and interest of United States Patent Application No. 09/843,126 [hereinafter "the Present Application"].

The petitioner represents that it is assignee of the whole and entire right, title and interest of the Present Application as evidenced by a document assigning rights from inventors to Aventis Pharmaceuticals Products, Inc., recorded in the United States Patent and Trademark Office on July 11, 2001, at Reel 011732, Frame 0021, and a change of name document from Aventis Pharmaceuticals Products, Inc. to Aventis Pharmaceuticals, Inc. submitted to the United States Patent and Trademark Office on September 22, 2004, a copy of which is submitted herewith.

The petitioner also represents that it is assignee of the whole and entire right, title and interest of United States Patent Publication No. 2002/0045613 (hereinafter "the '613 Application").

The '613 application is a continuation of United States Patent Application No. 09/841,417. The prior history of the '613 Application is evidentiary of the assignment rights in the '613 Application as MPEP 306 states that "[i]n the case of a division or continuation, a prior assignment against the original application is applied to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications."

The petitioner represents that it is assignee of the whole and entire right, title and interest of the '613 Application as evidenced by a document assigning rights from inventors to Aventis Pharmaceuticals Products, Inc. for the United States Patent Application No. 09/841,417, recorded in the United States Patent and Trademark Office on October 3, 2001, at Reel 012027, Frame 0504, and a change of name document from Aventis Pharmaceuticals Products, Inc. to Aventis Pharmaceuticals, Inc., against the '613 Application, recorded in the United States Patent and Trademark Office on January 8, 2004, at Reel 014244, Frame 0232.

Petitioner also submit that the documentation supplied herein is in accordance with 37 C.F.R. 3.73(b)(1)(i).

The petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 and § 156 as shortened by any terminal disclaimer of any patent granted on the '613 Application and hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to any patent granted on the present application shall be the same as the legal title to any patent granted on the '613 Application, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

Such disclaimer does not waive or disclaim any right to an extension of the term of any patent granted on the Present Application under 35 US § 6 and 35 US § 156, pursuant to (a) Title II of Pub. L. No. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (c) Pub. L. No. 100-670, enacted November 16, 1988 and entitled "Patent Term Extension for Animal Drug Products", or (d)

any other subsequently enacted Public Law or Act which provides for the extension of the term of a patent.


In making the above disclaimer, petitioner does not disclaim any terminal part of any patent granted on the present application prior to the expiration date of the earlier of the term defined in 35 U.S.C. § 154 and of the term as presently shortened by any terminal disclaimer of any patent granted on the '613 Application in the event that said patent later: (a) expires for failure to pay a maintenance fee; (b) is held unenforceable; (c) is found invalid by a court of competent jurisdiction; (d) is statutory disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); (e) has all claims cancelled by a reexamination certificate; (f) is reissued in any matter; or (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. § 154 prior to the expiration of its full statutory term as shortened by any terminal disclaimer, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. 18-1982 in the amount of \$110.00, pursuant to C.F.R. § 1.20(d), to cover the cost of the filing this Terminal Disclaimer. Any deficiency or overpayment should be charged or credited to Deposit Account No. 18-1982. Two additional copies of this Terminal Disclaimer are enclosed.

Respectfully submitted,

September 22, 2004


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